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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,809	11/15/2005	Takashi Ohgi	281107US6PCT	1448
22850 7590 03/25/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER KIJMOWICZ, WILLIAM JOSEPH				
ART UNIT 2627		PAPER NUMBER		
NOTIFICATION DATE 03/25/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/556,809

Applicant(s)

OHGI, TAKASHI

Examiner

William J. Klimowicz

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 2, 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 11/15/05, 02/21/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

Claims 4 and 5 are objected to because of the following informalities and appropriate correction is required.

The following phrase(s) lack clear antecedent basis within the claim(s), i.e., either the particularly recited passage fails to be properly introduced prior to its appearance at that point in the claim or the structure recited in the passage is not an inherent part of or component of the previously recited structure. The lack of antecedence as noted *infra*, is merely formal, since the claims can be understood in light of the instant specification and drawings; the antecedence informalities delineated below do not rise to the level of a rejection under 35 USC 112 2nd paragraph:

- (i) Claim 4 (line 1), “the forcing member.”
- (ii) Claim 5 (line 6), The cartridge member.”

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by (JP 63-72777 (U)).

As per claim 1, (JP 63-72777 (U)) discloses a disk cartridge (1) comprising: a disk (44, 45); a cartridge body (1) having the disk (44, 45) encased rotatably therein and having formed therein a write and/or read opening (10) through which a part of the disk (44, 45), ranging from the inner to outer radius, is exposed to outside; a shutter member (37) including a shutter (37) that covers and uncovers the write and/or read opening (10) and a movement guide piece (37c) opposite to one side of the cartridge body (1), and installed to the cartridge body (1) to be movable between a position to cover the write and/or read opening (10) and a position to uncover the write and/or read opening (10); a pressing portion (40) installed to the shutter member (37) to face a window (50) formed in the movement guide piece (37c) opposite to the one side of the cartridge body (1); an elastic moving piece (portion of (40) that is biased back into locked position) installed to the shutter member (37) to force the pressing portion (40) to outside of the cartridge body (1) (cf. FIGS. 8 and 9); and a shutter movement limiter (e.g., 41) provided on the shutter member and that is engaged on a movement limiter (e.g., 14 at 41a) provided on the cartridge body (1), when the shutter member (37) is in a position to cover the write and/or read opening (10), to limit the shutter member (37) from moving in a direction of uncovering the write and/or read opening (10), and moves in a direction in which it is disengaged from the movement limiter (e.g., 14 at 41a) when the pressing portion ((40) and (39) as seen in FIG. 8) is pressed inwardly of the cartridge body (1) - cf. FIGS. 8 and 9..

As per claim 3, wherein the shutter movement limiter (41) is provided integrally on the elastic moving piece (portion of (40) that is biased back into locked position).

As per claim 4, (insofar as claim 4 can be best understood), wherein the forcing member (portion of (39) as seen in FIG. 8) extends from the shutter member (37) in the direction of uncovering the write and/or read opening (10) in the shutter member.

As per claim 7, wherein the shutter movement limiter (41) moves in relation to the cartridge body (1) in a direction in which the shutter member (37) covers the write and/or read opening (10), and when it has passed by the movement limiter (e.g., 14 at 41a), it is elastically returned to its initial position (via (15)) and engaged on the movement limiter (e.g., 14 at 41a) provided on the cartridge body (1) to limit the shutter member (37) from moving in the direction of uncovering the write and/or read opening (10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over (JP 63-72777 (U)).

See the description of (JP 63-72777 (U)), *supra*.

As per claim 8, although (JP 63-72777 (U)) does not expressly disclose a disk recording and/or playback apparatus comprising: a cartridge holder into which there is removably inserted said disk cartridge, the cartridge holder including a shutter releasing mechanism that disengages the shutter movement limiter from the movement limiter by moving the elastic moving piece

against the force of the latter inwardly of the cartridge body when the disk cartridge is inserted into the cartridge holder and moves the shutter member in a direction of uncovering the write and/or read opening - (JP 63-72777 (U)) does show a shutter unlocking member (49) though - such cartridge holders as set forth in claim 8 are well known in the art.

Official notice is taken that cartridge holders of the type set forth in claim 8 are notoriously old and well known and ubiquitous in the art; such Officially noticed fact being capable of instant and unquestionable demonstration as being well-known.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the claimed cartridge holder for use with the cartridge as taught by (JP 63-72777 (U)).

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the claimed cartridge holder for use with the cartridge as taught by (JP 63-72777 (U)) in order to securely and reliably seat a disc cartridge within its intended operating environment, as is well known, established and appreciated in the art.

Allowable Subject Matter

Claims 2, 5 and 6 are tentatively objected to as being dependent upon a rejected base claim, but, pending an updated search, amendments or arguments presented by the Applicant and considered by the Examiner in reply to this office communication, would be favorably considered if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 9 is tentatively considered allowable over the art of record, pending an updated search, amendments or arguments presented by the Applicant and considered by the Examiner in reply to this office communication.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William J. Klimowicz/
Primary Examiner, Art Unit 2627